



October 20th, 2021 – 6:30 p.m.

**Madison County Administrative Auditorium
414 N. Main Street, Madison, Virginia**

Agenda: Planning Commission Workshop

1. Call to Order
2. Determine Presence of Quorum & Review/Approval of Agenda
3. Review of Minutes from September 15th, 2021, Planning Commission Meetings
4. Discussion Items:
 - A) Temporary Events and Chapter 4 Amusement & Entertainment Ordinance (aka: Brief and Seasonal Event Activities Ordinance & Large-Scale Outdoor Events Ordinance; to be advertised for a joint public hearing on Dec. 1st, 2021)
 - B) Potential Amendments to the Commercial Solar Energy Facilities Ordinance (Article 14-19-3, Paragraph B. 2. & 4. of the Zoning Ordinance; to be advertised for a joint public hearing on Dec. 1st, 2021)
 - C) Consideration Regarding Adopting an Urban Development Area (UDA) as Requested by the Town of Madison
5. Anticipated Future Public Hearings and Updates:

- A) Madison Holdings LLC, request to rezoned roughly 6 acres from R1 to R3 to develop apartment units (TM 40-20)
 - B) Tri-Creek Farms SUP Request for Three (3) Short-Term Lodging Units on an A1 Zoned Property (TM 41-35)
 - C) Update: James and Jean Beall, SpringBrook Farm LLC request to rezone 91.89 acres from A1/B1 to M1 with Conditions (Potential Solar Farm – tabled by BoS on Sept. 1st, 2021)
- 6. Additional Items from Planning Commission or Public
 - 7. Adjournment

MADISON COUNTY PLANNING COMMISSION WORKSHOP

Date: 6:30 PM — Wednesday, September 15, 2021

Location: Administration Building Auditorium, 414 N. Main Street



At the Planning Commission's Workshop meeting on Wednesday, September 15, at 6:30 PM in the Administration Building Auditorium:

PRESENT: Mike Mosko, Chair
Fay Utz, Member
Nathan Cowan, Member
Peter Work, Member
Pete Elliott, Member
Stephen Carpenter, Member
Francoise Seillier-Moiseiwitsch, Member
Daniel Crigler, Member
Sean Gregg, County Attorney

ABSENT: Nancy Coppedge

CALL TO ORDER, PLEDGE OF ALLEGIANCE, & MOMENT OF SILENCE

Chairman Mosko advised that a quorum was present.

DETERMINE PRESENCE OF A QUORUM/ADOPTION OF AGENDA

1. Approve: Minutes from 08/18/21

Member Carpenter made a motion to approve the minutes as read, seconded by Member Utz.

***Aye: Mosko, Utz, Cowan, Work, Elliott, Carpenter, Seillier-Moiseiwitsch, Crigler. Nay: (0).
Absent: Coppedge.***

PUBLIC HEARING

A. Case No. S-10-21-13

Request by Marvin Jenkins and Andrew Gayheart to subdivide 3 lots to create 9 new parcels and 3 residue parcels, for a total of 12 parcels, zoned A1, near Leon. Parcel TM33-53, 49 acres is located on James City Road and Hoover Road; parcel 33-54, 8.4 acres is located on James City Road; and 33-55, 12 acres is located on Hoover Road. Some of Parcels 33-55 and 33-53 are also in Culpeper County. A new private road (50 feet) serving Lots 7, 8, 9, 10 will be created with a road maintenance agreement. The County Planner noted the Private Road Maintenance Agreement is very thorough. The request has VDOT and Health Dept. approvals.

- *Member Elliott: Asked about building a road through the floodplain line across the creek and if the Planning Commission needed to address it.*

The County Planner responded that he did not know if there would need to be a bridge over Crooked Run Creek. Said any construction would be out of the floodplain and that putting an entrance in a floodplain would not be an issue.

- *Member Elliott: Asked Daniel Clark, Surveyor, if the Planning Commission needed permission to enter the floodplain.*

Mr. Clark responded that he was not sure.

- *Member Utz: Asked who would be responsible for researching the question of building inside a floodplain.*

Mr. Clark responded that the applicant would have to file for a Land Disturbance permit with VDOT when putting the entrances in, before saying that it is likely a County question to be answered.

- *Chairman Mosko: Asked if VDOT had already approved what was currently before them, and are there any roads back there..*

Mr. Clark responded that VDOT had approved the entrances but that the applicant would still need to apply for a land disturbance permit when trying to build the driveway and house, that there were trails, but no roads.

- *Chairman Mosko: Stated that some members of the Planning Commission would be visiting the subdivisions to look at the matter. Asked Mr. Clark if everyone was alright with the Road Maintenance Agreement.*

Mr. Gayheart, the applicant, responded that the agreement would be binding to all of the lots in the service agreement (7, 8, 9, & 10).

- *Member Elliott: Asked if the Road Maintenance Agreement would be filed with the deed.*

Mr. Gayheart responded that it would indeed be filed alongside the deed.

DISCUSSION & REVIEW

- A. Proposed Ordinance Amendments: Commercial Solar Energy Facilities — Amendments to Article 14-19-3 (B), Number 2, & Number 4
- *Chairman Mosko: Asked the County Attorney if he had anything to add to the amendment.*

The County Attorney responded that the proposed amendments were mostly political matters and that he didn't see anything legally troubling with the language in the amendments.

- *Member Utz: Stated that her committee recommended that changes to the setbacks could be addressed through the Special Use Permit rather than through an amendment that would change the rules for all following facilities coming in.*
- *Chairman Mosko: Said that the Planning Commission's recommendation would involve the document that was previously sent to everyone.*
- *Member Utz: Asked the County Planner if he was thinking that it should be recommended to the Board.*

The County Attorney suggested that paragraph 4 use more authoritative language by replacing "will" with "shall". Said he would make the points listed in the document mandatory rather than discretionary.

- *Member Utz: Said they were planning to use the Special Use Permit to set the siting placement.*

The County Attorney responded that he believed that the section dealing with fencing should be changed to "the fencing shall be designed to blend in with..."

- *Chairman Mosko: Responded that the change would be made.*
- *Member Work: Stated that he thought it would be desirable to say something about the standards regarding the boundaries in the document in question.*
- *Member Utz: Said that they wanted to leave a bit of an option regarding the setback and said she wasn't sure what else they needed.*
- *Member Work: Asked how things would play out if someone brought an action against a facility if a standard wasn't articulated.*
- *Member Cowan: Said he could see adding something to the document regarding standards. Also stated that, in his conversation with Mr. Yoder, he was told that 100ft would be more than adequate.*
- *Member Carpenter: Stated that he believed there was some language in the last draft regarding the conditions specified about the 300ft setback. Said that the problem is that a final draft hasn't been formulated.*

Chairman Mosko opened the floor for public comment.

Alan Nicholls: Said he had concerns about changing the size of the setbacks. Referenced the County Comprehensive Plan Major Strategy #9 about minimizing encroachment to residential

neighborhoods and the statement of intent for M1 zoning. Said the 300ft buffer should remain in place to minimize the impact of the development on the residential plots to the south and southeast. Stated that he was concerned about liability if the setbacks were reduced; if one of his trees fell and damaged a solar panel, would he be liable?

The County Attorney asked Mr. Nicholls how many trees were on his property with an excess of 100 ft.

Mr. Nicholls responded that he was not sure. Said that the photovoltaic cells contain lead, arsenic, cadmium, and silicon and that they could damage the environment. Asked if the County would be left to deal with the problem if the company pulled out and declared bankruptcy.

- *Chairman Mosko: Responded that the company would post a bond for such matters.*

Mr. Nicholls asked how much the bond was, and if it would include inflation.

- *Chairman Mosko: Responded that the bond would be determined at the time of their application. He also stated that it was not his area of expertise, but that he believed inflation would be taken into consideration for the bond.*
- *Member Utz: Said that the SUP is re-evaluated every 3 years and can be adjusted accordingly.*

Mr. Nicholls asked how often the facilities and structures are monitored and who would be responsible for it.

- *Member Utz: Said the language would be included in the SUP.*

Mr. Nicholls stated that it would not be unreasonable to keep the 300ft setback on the residential side.

- *Member Work: Stated that the current discussion was around the ordinance rather than the solar facility's application. Said that if Mr. Nicholls had ideas for standards to be included in the ordinance, then that would be helpful.*
- *Member Elliottt: Said that he believed the solar facility would be set away from the residential corner and that he did not think a tree on Mr. Nichol's property would be able to reach anything on the facility's plot.*

Mr. Nicholls responded that he believed the installations would be set in as far as they could go into the residential corner.

- B. Potential Rezoning: (Tax Map 40-20) — Rezoning a Portion of TM 40-20 from R1 (Limited Residential) to R3 (Multi-Family Residential)

The County Planner stated that he doesn't know how you would make up the difference between 23 taps and 47 units. Said he believed a better layout could be achieved as far as the apartments section goes. Also said that the County Administrator had suggested that a development committee be set up.

- *Member Elliott: Said that the difference between taps and units is probably from placing more than one unit on a single tap.*

Supervisor Yowell stated that he had spoken with an individual regarding this and was informed that it was dependent on certain factors but that a single tap could service more than one unit.

- *Member Crigler: Said that he had plumbed many apartments where taps were shared between units.*
- *Member Carpenter: Commented that the owner of the land may want to rezone extra land in the future and that they may want to look into mixed-use zoning. Also commented that Madison had an abundant water supply but that the discharge amount was near the maximum — thus expansion may be limited.*

Chairman Jackson responded that the maximum capacity RSA had discussed previously was in regards to the number of taps that are available currently.

C. Temporary Events and Chapter 4 Amusement & Entertainment Ordinance

- *Member Work: Gave an overview on what the business committee had reviewed, including:*
 - *Brief Activities Ordinance*
 - *Event Venue Ordinance*
 - *Outdoor Musical & Entertainment Festivals*
 - *A Draft Amendment to the Permitting Ordinance*
- *Member Work: Proposed that the Planning Commission recommend that the Board take the following actions:*
 - *Eliminate the Brief Activities Ordinance*
- *Member Crigler: Stated he would like some time to review the Brief Activities Ordinance before coming to a decision.*
- *Member Carpenter: Said if the Planning Commission can get the Event Permit Ordinance set up and coordinated with the Event Venue Ordinance then there should be no need for the Brief Activities Ordinance.*
- *Chairman Mosko: Said that there seemed to be a need for brief events, but that it needed to be properly restricted so that people wouldn't need a SUP for everything.*

- *Member Work: Said the Planning Commission would need input from the County Attorney regarding what is and isn't grandfathered in. Said he didn't believe those who haven't made sizable investments should have grandfather rights.*

The County Attorney responded that he had previously sent a memo around 2 years ago regarding such an issue and would get that to the Planning Commission.

- *Pete Elliott: Said the Planning Commission shouldn't be trying to hurt people doing small things like fruit stands and the ordinance should reflect that.*

Supervisor Yowell brought up the SUP for a temporary wayside stand and said he was not in favor of getting rid of the Brief and Seasonal Ordinance. Said there was a big difference between events and event venues.

- *Chairman Mosko: Responded that the ordinance in question would allow cart blanche for a lot of events that may endanger public safety.*
- *Member Work: Responded that the ordinance currently as written would allow for overly large events and suggested that such events should require an SUP.*

The County Planner stated that he thought large events should come for an SUP rather than simply using the Brief & Seasonal ordinance.

- *Member Work: Said that the daily threshold permit for a wayside stand was too high.*

The County Planner stated that he interpreted it as being duration based and that a wayside stand operating for more than 15 days should seek a SUP.

- *Member Work: Said he believed it would be beneficial for the committee to meet with the County Planner to discuss things.*
- *Chairman Mosko: Said he believed the current ordinance should be narrowed to protect the public interest and welfare.*
- *Member Utz: Asked if Member Work had spoken to the Sheriff about the violations.*
- *Member Work: Said he had not spoken to the Sheriff yet.*
- *Chairman Mosko: Suggested that the application form be made part of the ordinance. Also suggested that other relevant parties such as the Fire Department receive a copy of proposed ordinance beforehand for review.*

ADDITIONAL ITEMS FROM PLANNING COMMISSION OR PUBLIC

Chairman Mosko opened the floor for public comment; with no comment(s) being brought forth, the public comment opportunity was closed.

ADJOURN

With no further action being required, on motion of Member Crigler, seconded by Supervisor Carpenter, the workshop meeting was adjourned. *Aye: Mosko, Utz, Cowan, Work, Elliott, Carpenter, Seillier-Moisewitsch, Crigler. Nay: (0). Absent: Coppedge.*

Nan Coppedge, Secretary

Prepared by: Alan Berry

Approved

Certified

County Planner Comments: This memo proposes changes/ amendments to article 14-4 (standards for issuance of special use permits) & Chapter 4 (Amusement & Entertainment) Ordinance, sections 4-19 through 4-29)

October 4, 2021

MADISON COUNTY PLANNING COMMISSION

Proposed Event-Related Ordinances

Per my September 29, 2021 memo, the Planning Commission Business Committee met on September 30, 2021 to discuss the latest drafts of proposed amendments to two event-related ordinances. All Planning Commission members were invited to attend and participate in the meeting.

The two proposed ordinances we discussed on September 30 were the Brief Event Activities Ordinance and the Notice and Permitting Requirements Ordinance for large-Scale, Outdoor Events. We agreed on a number of relatively minor changes to both proposed ordinances, and these are reflected in the amended drafts set forth below. Also reflected in the Notice and Permitting Requirements Ordinance is a change requested by BOS Chair Clay Jackson during a meeting of County officials, including Mike Mosko, which took place after the Business Committee meeting. The change would require BOS approval of permits for events likely to attract 750 or more daily attendees.

Here are the current versions of the two proposed ordinances:

Brief Event Activities Ordinance

Comments: As noted on a previous page, this amended article can be found in article 14-4 of the Zoning Ordinance.

- a. A special use permit shall not be required for brief public and private event activities that are:
 - (1) conducted on properties consisting of 3-or-more acres;
 - (2) consistent with “by right” or “special use” activities permitted in the subject Zoning District;
 - (3) anticipated and likely to attract no more than 300 daily attendees and no more than 600 total attendees in any given calendar year; and
 - (4) conducted on no more than two consecutive days and no more than a cumulative eight total days in any calendar year.
- b. Nothing in this Brief Event Activities Ordinance shall affect the rights of Madison County residents under Virginia Code Sec. 16.2-2288.8(2) pertaining to the sale of agricultural products.

Notice and Permitting Requirements Ordinance for Large-Scale Outdoor Events

Sec. 4-19 – Purpose

This Article is enacted pursuant to Code of Virginia Sec. 15.2-1200 for the purpose of regulating the conduct of certain large-scale, outdoor events in the interest of the public health, safety, and welfare of County residents.

Comment: As noted, these sections are codified in Chapter 4, sections 4-19 through 4-29 of the Code of Madison County, VA

Sec. 4-20 – Definitions

The following words and phrases, when used in this Article, shall have the meanings ascribed to them in this section:

“Events” means public or private, fee-based or non-fee-based, gatherings of individuals, including without limitation, entertainment events, sporting events, arts and crafts shows, seasonal festivals, weddings and reunions.

“Large-scale” means events anticipated to attract 300 or more daily attendees.

“Outdoor” means events conducted, in whole or in part, in open spaces and not within fully enclosed structures.

Sec. 4-21 – Exclusions

The provisions of this Article shall not apply to Large-Scale, Outdoor Events sponsored or conducted by County governmental and educational entities, private schools, full-time business entities, or entities conducting such events pursuant to special use permits.

Sec. 4-22 – Construction

The provisions of this Article shall be construed so as to effectively carry out the purposes of the Article in the interest of County residents.

Sec. 4-23 – Relationship to Other Articles

Large-Scale, Outdoor Events may be conducted only in accordance with the County’s Event Venue Ordinance, Art. 4-19, the County’s Brief Event Activities Ordinance, Art. 4-14 (last sentence), or the terms of special use permits,

Sec. 4-24 – Required Applications and Permits

- a. No person may conduct a Large-Scale, Outdoor Event without first applying for and obtaining a permit for the Event from the County Zoning Administrator or, in the event of an appeal pursuant to Sec. 4-27, from the County Administrator.
- b. Applications for such permits shall:
 - (1) be submitted electronically or physically to the Zoning Administrator no fewer than forty-five days before the desired start of an event on Madison County Form No. No. __, dated _____,
 - (2) contain all of the information required by the form, and
 - (3) provide written permission for County officials, including zoning, law enforcement, emergency services, and health officials, the Virginia State Police, and federal law enforcement agencies, to enter on the event premises at any time for the purpose of determining compliance with County ordinances and state and federal law, and the terms of the relevant event permit.

Sec. 4-25 – Application Fees

The County Board of Supervisors shall from time-to-time establish application fees for Large-Scale, Outdoor Event permits consistent with the County's existing fee schedules. Such fees shall be paid upon submission of permit applications.

Sec. 4-26 - Zoning Administrator Action Upon Receipt of a Permit Application

- a. Upon receipt of an application for a Large-Scale, Outdoor Event permit, the Zoning Administrator shall transmit it electronically to the County Sheriff's Department, the County EMS, and the County Volunteer Fire Department requesting any comments they may have.
- b. Thereafter, the Zoning Administrator shall act upon the application as promptly as is reasonably feasible. At a minimum, the Zoning Administrator (or his/her designee) shall approve or disapprove a compliant, timely-submitted application for a Large-Scale, Outdoor Event permit within

twenty-five days of the proposed start of the event; provided, however, provided, however, that the Zoning Administrator shall refer permit applications for events likely to attract more than 750 daily attendees to the Board of Supervisors for its approval or disapproval.

- c. In acting upon applications for Large-Scale, Outdoor Event permits, the Zoning Administrator (or the Board of Supervisors) shall be governed by considerations of the health, safety, and general welfare of County residents construed in light of Virginia statutes and County ordinances pertaining to public health, safety, and general welfare.
- d. The Zoning Administrator may, with the written approval of the Board of Supervisors Chair, require a permit applicant to post a bond of no more than \$_____ to ensure compliance with any conditions imposed on a permit and payment of any and all damages to public and/or private property that may result from the conduct of a Large-Scale, Outdoor Event.

Sec. 4-27 – Appeals from Denials of Application Permits

- a. In the event the Zoning Administrator denies an application for a Large-Scale, Outdoor Event Permit, the applicant may, within five calendar days of the denial, file a written appeal of the denial with the County Administrator stating the grounds therefor.
- b. The County Administrator shall sustain or deny the appeal, applying the same public health, safety, and general welfare standard, within five calendar days of its receipt, and his/her decision shall constitute a final administrative action.
- c. Denials of applications by the Board of Supervisors shall not be administratively appealable.

Sec. 4-28 – Permit Revocation

The Zoning Administrator shall be empowered to revoke any permit granted under this Article upon his/her determination that the terms of the permit have been or are being violated.

Sec. 4-29 – Violations

Any person determined by the County Sheriff, in consultation with the Zoning Administrator and other involved County officials, to be in material violation of the provisions of this Article shall be fined up to \$1,000 for each daily violation. Fines shall be enforceable in the Madison County General District Court.

[Information to be required by the forms referenced in 4-24(b)(1)]

Name of event;

Type of event and name(s) of event performers, if any;

Date(s), time(s), and daily duration of the event;

Anticipated daily attendees and total attendees at the event;

Name and address of sponsoring organization(s) or individual(s);

Name and address of promoter(s) (if different from sponsoring organization or individual);

Name and address of person(s) or organization(s) assuming financial responsibility for the event (if different from sponsor);

Identification (address and Tax Map designation) of the property on which event is proposed to be held;

Identification of amount of liability insurance that will be obtained for the event;

Description of plans for access and egress, traffic control, parking, noise abatement, sanitation, trash removal, medical facilities, emergency services, security, and food, water, and lodging for the event;

A reasonably detailed site plan for the event.

County Planner

Comment: This amendment to article 14-19-3, number 2 & 4 reflect changes discussed at the joint work session held on 10/6/2021

ORDINANCE TO AMEND THE MADISON COUNTY

ZONING ORDINANCE

ORDINANCE # 2021-XXX

WHEREAS, The Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County Virginia would promote the health, safety and general welfare of Madison County Virginia and be in accordance with the declaration of legislative intent set forth in Virginia Code 15.2.2200 (1950, as amended) and the Madison County Comprehensive Plan adopted February 7, 2018.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia that the Zoning Ordinance of Madison County, Virginia, be and it hereby is, amended as follows:

Article 14-19-3 Conditions for the Establishment and Operation of Commercial Solar Energy Facilities

B. Locations/Setbacks

2. All Aspects and components of the facility shall meet the minimum setback requirement of 100 feet. This setback requirement is in addition to the buffer requirements for rivers and streams established in No. 1 above. The County shall require additional buffering in the Special Use Permit to maintain the County's rural view shed and character and minimize visibility and aesthetic impacts to adjacent property owners, uses and/or roadways.

4. The perimeter of the facility shall be secured through the use of security fencing of at least eight feet in height, to be installed around the perimeter of the facility. The County shall require the fencing to be installed inside the vegetative buffer to reduce the visual impact to surrounding property owners, uses, and/or roadways. Placement of Fencing shall be specified in the Special Use Permit. Fencing should be designed to blend in with surrounding screening and natural views.

The aforesaid amendment shall be effective upon enactment.

Enacted this _____ day of _____, 2021

Madison County Board of Supervisors

BY: _____

R. Clay Jackson, Chair

	Aye	Nay	Abstain
R. Clay Jackson	_____	_____	_____
Charlotte Hoffman	_____	_____	_____
Amber Foster	_____	_____	_____
Kevin McGhee	_____	_____	_____
Carlton Yowell	_____	_____	_____

Jonathon Weakley, Madison County Administrator

WHAT IS AN URBAN DEVELOPMENT AREA (UDA)?

Agenda Item 4) C

VIRGINIA UDA REQUIREMENTS

VIRGINIA UDA REQUIREMENTS

“Urban Development Area” means areas designated by a locality that are:

- (1) To the extent feasible, to be used for redevelopment or infill development
- (2) Sufficient to accommodate 10 - 20 years of projected growth
- (3) Designed to meet UDA density requirements

The following density requirements are for jurisdictions with less than 130,000 population:

- 4 single family residences per acre
- 6 townhouses per acre
- 12 apartment/condo units per acre
- Floor area ratio of at least 0.4 per acre for commercial development

Also, UDA's must:

- (1) Be identified in the Town's Comprehensive Plan
- (2) Allow **Traditional Neighborhood Development** principals in the zoning ordinance

TRADITIONAL NEIGHBORHOOD DEVELOPMENT

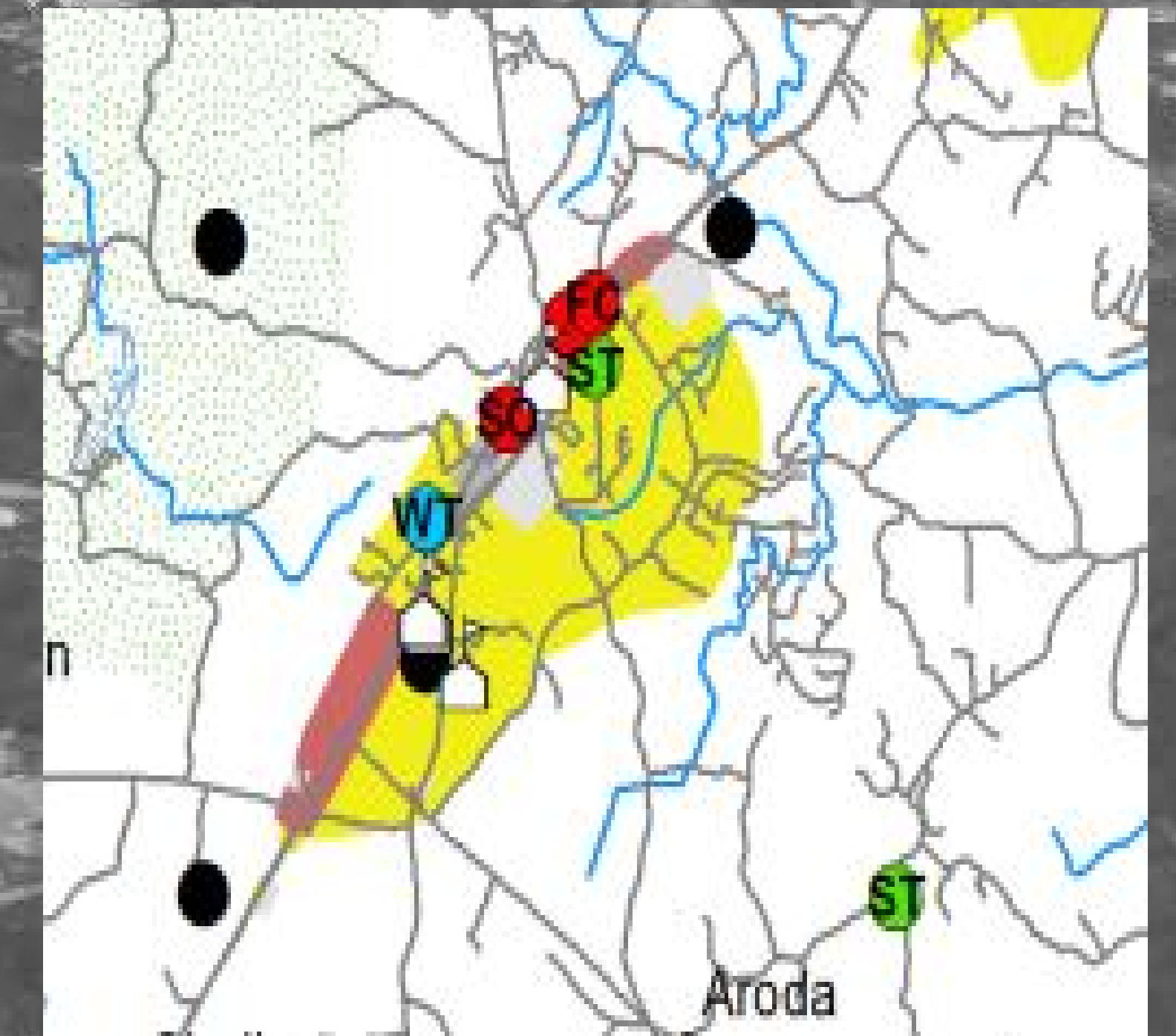
- Pedestrian-friendly road design
- Interconnection of local streets and roads
- Preservation of natural areas
- Mixed-use neighborhoods, including mixed housing types
- Reduction of building setbacks, street widths and turning radii

County Planner Comments: Please review this informational flier produced by the Town of Vinton regarding UDAs. Also, on the next page is the VA Code section governing UDAs. In summary, the Town of Madison would like for the County to designate an area adjacent to the Town, and the Town itself, as an UDA. Town officials believe this will be beneficial in making VDOT application for funding more competitive. From what I understand, this would require an amendment to the County's comprehensive plan in which a formal UDA area(s) is defined, and the Town would also be included in the UDA area. Functionally, the County already has a mapped "growth area" (see image to right). This growth area can be found on page 12 of Madison County's Comprehensive Plan.

UDA BENEFITS

- Minimize infrastructure expenditures
- Preserve undeveloped farm, forest and natural features
- Present development patterns that respond to demographic shifts
- Provide pedestrian-friendly transportation options

Madison County's "Residential Growth Areas" found in the Comp. Plan (pg. 12)



15.2-2223.1. Comprehensive plan to include urban development areas.

Comments: See item "E" on next page....

A. For purposes of this section:

"Commercial" means property devoted to usual and customary business purposes for the sale of goods and services and includes, but is not limited to, retail operations, hotels, motels and offices. "Commercial" does not include residential dwelling units, including apartments and condominiums, or agricultural or forestal production, or manufacturing, processing, assembling, storing, warehousing, or distributing.

"Commission" means the Commission on Local Government.

"Developable acreage," solely for the purposes of calculating density within the urban development area, means land that is not included in (i) existing parks, rights-of-way of arterial and collector streets, railways, and public utilities and (ii) other existing public lands and facilities.

"Population growth" means the difference in population from the next-to-latest to the latest decennial census year, based on population reported by the United States Bureau of the Census. In computing its population growth, a locality may exclude the inmate population of any new or expanded correctional facility that opened within the time period between the two censuses.

"Urban development area" means an area designated by a locality that is (i) appropriate for higher density development due to its proximity to transportation facilities, the availability of a public or community water and sewer system, or a developed area and (ii) to the extent feasible, to be used for redevelopment or infill development.

B. Any locality may amend its comprehensive plan to incorporate one or more urban development areas.

1. Urban development areas are areas that may be appropriate for development at a density on the developable acreage of at least four single-family residences, six townhouses, or 12 apartments, condominium units, or cooperative units per acre, and an authorized floor area ratio of at least 0.4 per acre for commercial development, any proportional combination thereof, or any other combination or arrangement that is adopted by a locality in meeting the intent of this section.

2. The urban development areas designated by a locality may be sufficient to meet projected residential and commercial growth in the locality for an ensuing period of at least 10 but not more than 20 years, which may include phasing of development within the urban development areas. Where an urban development area in a county with the urban county executive form of government includes planned or existing rail transit, the planning horizon may be for an ensuing period of at least 10 but not more than 40 years. Future residential and commercial growth shall be based on official estimates of either the Weldon Cooper Center for Public Service of the University of Virginia, the Virginia Employment Commission, the United States Bureau of the Census, or other official government projections required for federal transportation planning purposes.

3. The boundaries and size of each urban development area shall be reexamined and, if necessary, revised every five years in conjunction with the review of the comprehensive plan and in accordance with the most recent available population growth estimates and projections.
 4. The boundaries of each urban development area shall be identified in the locality's comprehensive plan and shall be shown on future land use maps contained in such comprehensive plan.
 5. Urban development areas, if designated, shall incorporate principles of traditional neighborhood design, which may include but need not be limited to (i) pedestrian-friendly road design, (ii) interconnection of new local streets with existing local streets and roads, (iii) connectivity of road and pedestrian networks, (iv) preservation of natural areas, (v) mixed-use neighborhoods, including mixed housing types, with affordable housing to meet the projected family income distributions of future residential growth, (vi) reduction of front and side yard building setbacks, and (vii) reduction of subdivision street widths and turning radii at subdivision street intersections.
 6. The comprehensive plan shall describe any financial and other incentives for development in the urban development areas.
 7. A portion of one or more urban development areas may be designated as a receiving area for any transfer of development rights program established by the locality.
- C. No locality that has amended its comprehensive plan in accordance with this section shall limit or prohibit development pursuant to existing zoning or shall refuse to consider any application for rezoning based solely on the fact that the property is located outside the urban development area.
- D. Localities shall consult with adjacent localities, as well as the relevant planning district commission and metropolitan planning organization, in establishing the appropriate size and location of urban development areas to promote orderly and efficient development of their region.
- E. Any county that amends its comprehensive plan pursuant to subsection B may designate one or more urban development areas in any incorporated town within such county, if the council of the town has also amended its comprehensive plan to designate the same areas as urban development areas with at least the same density designated by the county. However, if a town has established an urban development area within its corporate boundaries, the county within which the town is located shall not include the town's projected population and commercial growth when initially determining or reexamining the size and boundary of any other urban development area within the county.
- F. To the extent possible, federal, state and local transportation, housing, water and sewer facility, economic development, and other public infrastructure funding for new and expanded facilities shall be directed to designated urban development areas or to such similar areas that accommodate growth in a manner consistent with this section.